

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

EDWIN RUIZ,

Supervisee.

No. 11-cr-676-8 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter from Supervisee’s counsel, dated May 27, 2021, setting forth the bases for Supervisee’s request to file his May 24 written submission under seal. Although the Court agrees that the presumption of open records has been overcome with respect to certain medical information contained in the May 24 submission, *see United States v. Amodeo*, 71 F.3d 1044, 1047–50 (2d Cir. 1995), the Court is not persuaded that the facts surrounding Supervisee’s possession of a prescription for medical marijuana warrants sealing. *Cf. United States v. Sattar*, 471 F. Supp. 2d 380, 389 (S.D.N.Y. 2006) (noting that the right of privacy in medical records is not “absolute,” and rejecting request to seal certain parts of medical records that had been provided in a defendant’s sentencing submission in support of her sentencing argument); *Manassis v. New York City Dep’t of Transp.*, No. 02-cv-359 (SAS) (DF), 2002 WL 31115032, at *2 (S.D.N.Y. Sept. 24, 2002) (“Where [] a litigant puts his physical or mental condition into issue in the litigation, he waives his right to privacy in any relevant medical records.”).


Here, Supervisee volunteered the fact of his possession of a medical marijuana prescription to police officers at the time of his arrest; this fact was also mentioned at a public conference with the Court on April 23, 2021 and is included in the government’s unsealed submission regarding Supervisee’s alleged violations of supervised release. Thus, the Court does not find that Supervisee’s privacy interest in his possession of a prescription for medical marijuana, a highly relevant fact that has already been publicly disclosed,

overcomes the strong presumption of open records at issue in this adjudicatory process. *See Sattar*, 471 F. Supp. at 386.

Accordingly, IT IS HEREBY ORDERED THAT Supervisee's request to seal portions of his May 24 submission is GRANTED in part and DENIED in part. IT IS FURTHER ORDERED THAT Supervisee shall file on ECF a redacted version of his May 24, 2021 submission in conformity with the unredacted (and highlighted) document attached hereto. The Clerk of Court is respectfully directed to docket this order but maintain the attachment under seal.

SO ORDERED.

Dated: May 31, 2021
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation